

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GENE COGGINS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:07-cv-0402-MEF-TFM
)	
CITY OF JACKSON'S GAP, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Upon referral of this case for action on all pretrial matters and for recommendation as may be appropriate (Doc. 5), the Court considers Plaintiff's *Amended Complaint and Motion to Proceed in forma pauperis* (Doc. 8, filed June 26, 2007). On June 4, 2007, the Court ordered Plaintiff file by June 15, 2007 an amended motion to proceed *in forma pauperis* or this lawsuit would be stayed pending prepayment of the requisite filing fees. No response had been filed by June 21, 2007, so the Court entered an Order denying Plaintiff's *Motion to Appear in forma pauperis* (Doc. 2) and stayed the lawsuit pending prepayment of the requisite filing fees on or before July 9, 2007.

A review of Plaintiff's *Amended Complaint and Motion to Proceed in forma pauperis* (Doc. 8) shows it is merely an amended complaint with the a conclusory remark that plaintiff is guaranteed the right to proceed *in forma pauperis*.¹ While 28 U.S.C. § 1915 does provide the right for eligible persons to proceed *in forma pauperis*, the plaintiff must first

¹ As such, the Court has directed the Clerk to docket the motion as an Amended Complaint and Motion for Reconsideration of *Motion to Appear In Forma Pauperis* (Doc. 2).

demonstrate his eligibility. As noted in the Court's order on June 4, 2007, the Court could not assess Plaintiff's eligibility under 28 U.S.C. §1915 to proceed without prepayment of fees and costs as he did not provide information regarding his expenditures.² See Doc. 6. Moreover, the Clerk included a copy of the *In Forma Pauperis* form along with the Order mailed on June 4, 2007. The *Amended Complaint and Motion to Proceed in forma pauperis* (Doc. 8) did not include the *In Forma Pauperis* form nor does not contain any new or additional information about Plaintiff's financial situation, and thus, it is for good cause

ORDERED Plaintiff renewed *Motion to Proceed in forma pauperis* (Doc. 8) is **DENIED**. Plaintiff's case is still **STAYED** pending prepayment of the requisite filing fees. The Court does, however, extend the date the fees must be paid to on or before **July 13, 2007**. If the Plaintiff does not comply, the Court will enter a recommendation this case be dismissed.

DONE this 27th day of June, 2007.

/s/Terry F. Moorner
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE

² Specifically the Court noted, Plaintiff represents that he currently receives only social security benefits but neglects to provide data concerning his expenditures. Thus, the court cannot assess his eligibility under 28 U.S.C. §1915 to proceed without prepayment of fees and costs. As such, the Court ordered Plaintiff to file an amended affidavit regarding his finances. See Doc. 6.